

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOSTENTENES MAYORGA, on behalf of himself
And other employees similarly situated,
Plaintiff(s),

JUDGE JONES
Index No. 07 CIV. 9530

-against-
23RD AND 9TH RESTAURANT CORP., d/b/a
CHELSEA SQUARE RESTAURANT, et al.,
Defendant(s).

AFFIDAVIT OF SERVICE

-----X
STATE OF NEW YORK)
 S.S.
COUNTY OF NEW YORK)


HECTOR FIGUEROA, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 30th day of October 2007, at approximately the time of 12:30 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION AND COMPLAINT PLAINTIFF DEMANDED TRIAL BY JURY** upon John Lapsatis at 368 West 23rd Street, New York, NY 10001, by personally delivering and leaving the same with John Bumaci, a person of suitable age and discretion at that address. At the time of service, deponent asked if John Lapsatis is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

John Bumaci is a white male, approximately 60 years of age, stands approximately 5 feet 8 inches tall and weighs approximately 240 pounds with black/gray hair and light eyes wearing glasses.

That on the 31st day of October 2007, deponent served another copy of the foregoing upon John Lapsatis at 368 West 23rd Street, New York, NY 10001, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and

depositing the same into an official depository maintained by the Government of the United States, City and State of New York.


HECTOR FIGUEROA #870141

Sworn to before me this
1st day of November, 2007


NOTARY PUBLIC

JONATHAN T. RIPPS
Notary Public, State of New York
NO. 01RI6109718
Qualified in Rockland County
Certificate Filed in New York County
Commission Expires May 17, 20 08